NATURE OF CHARGE: Misbranding, Section 502 (a), the labeling of the article, namely, the box label and the display card entitled "Better Than Penicillin" which was shipped with the article, contained statements which were false and misleading. The statements represented and suggested that the article was an adequate and effective treatment for sore throat and minor throat and mouth infections, and that it was better than penicillin. The article was not an adequate and effective treatment for sore throat and minor throat and mouth infections, and it was not better than penicillin.

DISPOSITION: March 10, 1952. Default decree of condemnation and destruction.

3695. Misbranding of multivitamin capsules. U. S. v. 10,000 Capsules, etc. (F. D. C. No. 32509. Sample No. 32967–L.)

LIBEL FILED: February 13, 1952, Northern District of Illinois.

ALLEGED SHIPMENT: On or about January 11, 1952, from Detroit, Mich.

PRODUCT: 10,000 capsules in bulk and 73 bottles, each bottle containing 100 capsules, of *multivitamin capsules* in possession of Dr. Tark's Vitamins, Oak Park, Ill.

RESULTS OF INVESTIGATION: The article had been shipped in bulk, and the portion in the bottles had been repacked from the bulk shipment and relabeled by the consignee. A number of circulars entitled "With Thread Alone, You Cannot Sew," which had been printed locally, were in possession of Dr. Tark's Vitamins, the consignee.

LABEL, IN PART: (Bottle) "Dr. Tark's Vitamins One Capsule Daily Provides Vitamin A (Fish Liver Oil 5000 units, Vitamin D Irradiated Ergosterol) 1000 units, Vitamin B–1 (Thiamin Chloride) 2.5 mg., Vitamin B–2 (Riboflavin) 2.5 mg., Vitamin B–6 (Pyridoxine Hydrochloride) 0.5 mg., Vitamin C (Ascorbic Acid) 40. mg., Niacinamide 20. mg., Calcium Pantothenate 5. mg. Vitamin E (d-alpha tocopherol acetate) 2. I. U., Folic Acid 0.5 mg., Vitamin B–12 USP 1. mcg."

NATURE OF CHARGE: Misbranding, Section 502 (a), the above-referenced circular accompanying the article contained statements which were false and misleading. These statements represented and suggested that the article was effective in the prevention and treatment of neuritis, arthritis, rheumatism, caries of teeth, pyorrhea, common colds, listlessness, sleeplessness, nervousness, goiter, high blood pressure, heart disease, anemia, and hardening of the arteries, and that the article would help the blood stream remove calcium salts from the body, thereby relieving or preventing inflammatory rheumatism, stiff joints, and body aches and pains. The article was not effective in the prevention and treatment of the conditions stated and implied, and it was not capable of fulfilling the promises of benefit made for it. The article was misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: April 10, 1952. Default decree of condemnation. The court ordered that the product be delivered to a public institution, for the consumption of the inmates, but not for sale.

3696. Misbranding of Gum-Tone. U. S. v. 26 Cartons * * *. (F. D. C. No. 32343. Sample No. 35270–L.)

LIBEL FILED: January 3, 1952, District of North Dakota.

ALLEGED SHIPMENT: On or about September 12, 1951, from Hastings, Nebr., by Gum-Tone, Inc.

PRODUCT: 26 cartons, each containing 12 bottles, of *Gum-Tone* at Fargo, N. Dak. Analysis showed that the product was a powder containing sodium perborate 18.9%, soda, salt, calcium carbonate, and riboflavin.

NATURE OF CHARGE: Misbranding, Section 502 (a), the label statements "Gum-Tone * * * Treatment for pyorrhea, gingivitis, bleeding gums, sore gums Massage gums and teeth twice daily for healthy oral conditions" were false and misleading since the article would not fulfill such promises of benefit.

Further misbranding, Section 502 (e) (2), the article was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each active ingredient.

DISPOSITION: February 28, 1952. The owner of the product having agreed to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be destroyed.

3697. Misbranding of Color-Therm device. U. S. v. 1 Device * * *. (F. D. C. No. 32458. Sample No. 55196–K.)

LIBEL FIELD: February 13, 1952, Western District of Oklahoma.

ALLEGED SHIPMENT: On or about October 14, 1948, by Fred Gerkey, from Mission, Kans.

PRODUCT: *1 Color-Therm device* at Oklahoma City, Okla. The device consisted of tubes for producing colored lights similar to neon lights, together with electrical connections needed for operating them.

LABEL, IN PART: "Color Therm Dr. Fred Gerkey Mission, Kansas."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements appearing in the instruction sheet shipped with the device were false and misleading since they represented and suggested that the device was effective in the treatment of any disease condition and, in particular, disorders of the liver and eyes, female trouble, sinus trouble, asthma, and nervousness, whereas it was not effective for such purposes.

DISPOSITION: April 2, 1952. Default decree of condemnation. The court ordered that the device be delivered to the Food and Drug Administration for exhibit and educational purposes.

3698. Misbranding of Howard Cabinet devices. U. S. v. 2 Devices, etc. (F. D. C. No. 29401. Sample No. 81190–K.)

LIBEL FILED: July 14, 1950, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about March 24, 1950, by Mr. O's Products, from Huntington Park, Calif.

PRODUCT: 2 *Howard Cabinet devices* and 100 circulars entitled "The Howard Original Cabinet" at Bala-Cynwyd, Pa.

The device consisted of a masonite and plywood box or cabinet, which was closed with curtains equipped with a zipper. Holes in the curtains permitted the head and arms to remain outside the cabinet. The cabinet contained a chair, an electric heating unit, a blower, a pan to hold water, and a timing device.

LABEL, IN PART: "The Howard Original Cabinet Model 1700 FL."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the above-mentioned circulars which accompanied the devices were false and misleading. The statements represented and suggested that the device would